

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRACY LEE DOTSON,
Plaintiff,

v.

CHANDLER, et al.,
Defendants.

No. 2:20-cv-0710 JAM KJN P

ORDER

Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On September 17, 2020, the magistrate judge filed findings and recommendations recommending that this action be dismissed based on plaintiff's failure to file an amended complaint. On September 28, 2020, plaintiff filed objections claiming that he filed an amended complaint on time, but the complaint came up missing. Plaintiff claims he filed a complaint on his missing mail, and now asks the court to "please look into this." (ECF No. 20 at 1.) Plaintiff claims he was denied his "602" by the court. (Id.)

Plaintiff's objections are unclear. It appears plaintiff was released from custody on or about July 9, 2020, because he crossed out the prison address and wrote in his Palmdale home address on his motion filed July 13, 2020. His "Notice of Amendment," signed July 7, 2020, does not contain the proposed amended complaint, and also contains no certificate of service, so the court is unable to determine whether plaintiff was out of custody at the time the document was

1 mailed, or whether he contends prison staff lost the amended complaint. But in any event,
2 plaintiff is out of custody now, and the court does not investigate matters for litigants. If
3 plaintiff's amended complaint went missing, he must re-draft the amended complaint and re-file
4 it.


5 On May 18, 2020, plaintiff's complaint was dismissed. Plaintiff has had over five months
6 in which to file his amended complaint. Plaintiff is granted one final extension of thirty days in
7 which to file his amended complaint. In addition, due to the lengthy delay, the court will hold the
8 findings and recommendations in abeyance for a period of thirty days to enable plaintiff to submit
9 his amended complaint. Plaintiff is cautioned that failure to timely file his amended complaint
10 will result in the findings and recommendations being routed to the district court for review and
11 adoption.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff is granted thirty days from the date of this order in which to file his amended
14 complaint that complies with the May 18, 2020 order; and

15 2. The Clerk of the Court shall send plaintiff a copy of the May 18, 2020 order, as well as
16 the form for filing a civil rights complaint by a prisoner.

17 Dated: October 27, 2020

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

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